

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DUSHAWN KING

16CV 4277
No.

Write the full name of each plaintiff.

(To be filled out by Clerk's Office)

-against-

18-B LAWYER WYATT N. GIBBONS

COMPLAINT

(Prisoner)

QUEENS SUPREME COURT JUSTICE KRON

Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☐ Other: _____

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

| DUSHAWN | | KING |
|----------------|----------------|-------------|
| First Name | Middle Initial | Last Name |

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

G.R.V.C.

Current Place of Detention

09-09 HAZEN ST, G.R.V.C.

Institutional Address

EAST ELMHURST,

NEW YORK

11370

County, City

State

Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

☒

Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☐ Convicted and sentenced prisoner

☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

| | | | |
|--------------|--|-----------|----------|
| Defendant 1: | WYATTT N. GIBBONS | | |
| | First Name | Last Name | Shield # |
| | 1*-B LAWYER DEFENSE | | |
| | Current Job Title (or other identifying information) | | |
| | 125-10 QUEENS BLVD | | |
| Defendant 2: | Current Work Address | | 11415 |
| | KEW GARDENS N.Y. | | |
| | County, City | State | Zip Code |
| | HONORABLE KRON | | |
| | First Name | Last Name | Shield # |
| Defendant 3: | QUEEN SUPREME COURT JUSTICE | | |
| | Current Job Title (or other identifying information) | | |
| | 125-01 QUEENS BLVD. | | |
| | Current Work Address | | 11415 |
| | KEW GARDENS N.Y. | | |
| Defendant 4: | County, City | State | Zip Code |
| | First Name Last Name Shield # | | |
| | Current Job Title (or other identifying information) | | |
| | Current Work Address | | |
| | County, City | State | Zip Code |

V. STATEMENT OF CLAIM

Place(s) of occurrence: QUEEN SUPREME COURT PART TAPA

Date(s) of occurrence: ON JUNE 2015 WHILE APPEARING BEFORE DEFENDANTS

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

QUEENS SUPREME COURT JUSTICE KRON, AND DEFENDANT 18B LAWYER WYATT N. GIBBONS, IS WHERE MY FIRST FOURTH, SIXTH, EIGHTH, AND FOURTEENTH AMENDMENTS RIGHTS GAURANTEED BY OUR UNITED STATES CONSTITUTION WERE VIOLATED BY THESE DEFENDANTS IN THAT THEY BOTH FAILED TO ALLOW ME TO EXERCISE MY FREEDOM OF SPEECH, AND EXPRESSION UPON POINTS OF LAW THAT GUIDES SAID COURT AND DEFENDANTS TO THE INNICENT NATURE OF THE CRIME THAT SHOULD HAVE ESSENTIALLY SET ME FREE. AT NO TIME DURING ALL PROCEEDIN WAS I PROVIDED WITH THE EFFECTIVE ASSISTANCE OF COUNSEL FROM AND/OR VIA DEFENDANT WYATT N. GIBBONS. HE COULD NOT REACH THE STRENGTHS OF ESTABLISHI A LAWYER-CLIENT RELATIONSHIP WHEN HIS WORK ETHICS ARE DELIBERATELY INDIFFERENT TO MY INNOCENCE, WHICH HELD THE BALL AND CHAIN TO MY ANKLE THE ENTIRE TIME HE REPRESENTED ME THROUGH OPEN COURT AND/OR THROUGH VIDEO CONFERENCES. IN FACT PLAINTIFF, DUSHAWN KING, PRO SE HAD TO SEEK REFUGE AND ASSISTANCE FROM THE DISCIPLINARY COMMITTEE AGAINST THIS DEFENDANT BEFORE HE GETS SIDETRACKED, AND RAILROAED BY THE JUDICIAL SYSTEM FOR A CRIME THAT HAS NO BEARI(NG ANDOR ROOM TO CREATE COMMON SENSE THE HISTORICAL WE RELIED UPON AS LAW IN THE TEN(10) COMMANDMENTS IS NOW BEEN MODERNIZED VIA CONSTITUTIONAL AMENDMENTS OF THE UNITED STATES WHERE DUE PROCESS OF THE LAW DOES NOT SUBJECT ONE TO UNDERGO CRUEL AND UNUSUAL PUNISHMENT. THE ACTIONS BY THESE DEFENDANTS CAN AT NO TIME BE CONSTRUED AS HARMLESS ERRORS GIVING RISE TO SHIEL BEHIND THE ELEVENTH

AMENDMENT FOR THE ABSOLUTE IMMUNITY STANDARD WHEN THE CONSTITUTIONAL VIOLATIONS ARE AN OUTCRY FOR JUSTICE BY THE PLAINTIFF. MATTERS OF LAW THAT CONCERN ONE'S FREEDOM HAS TO BE SCRUTINIZED AS REVERSIBLE ERRORS THAT SHOULD BE STOPPED BEFORE AT ALL CONTINUED. HERE PLAINTIFF SURELY SUFFERS FROM A DEPRAVED HARDSHIP AS A RESULT OF BOTH DEFENDANTS ACTIONS THAT CONSTITUTE MALICIOUS PROSECUTION, AND LEGAL MALPRACTICE, AND/OR NEGLIGENCE. NO ONE HUMAN BEING IN THE UNITED STATES ARE EXEMPT IN ANY FORM FROM FOLLOWING THE STRAIGHT ARROW OF THE CONSTITUTIONAL ROAD TO FREEDOM AND EQUALITY, AND JUSTICE THE AMERICAN WAY. THERE DOES ALSO EXIST AN EQUAL CLAUSE IN THE FOURTEENTH AMENDMENT, WHERE PLAINTIFF, DUSHAWN KING, PRO SE ACTUALLY HAS AND IS ENTITLED TO MORE RIGHTS DURING HIS CONFINEMENT LET ALONE FALSE IMPRISONMENT, BECAUSE DUE TO THIS FACT HE HAS TO RELY SOLELY ON THE OFFICIALS WHOSE CARE, CUSTODY, AND CONTROL, THAT ARE ACTUALLY THE DEFENDANTS AND PEOPLE ALIKE WHO TAKE A SWORN OATH TO UPHOLD THE CONSTITUTION, AND NOT TO DISGUISE THEMSELVES AS MERE MEDIATORS IN A GAME WE KNOW AS LIFE. FOR ALL TOGETHER WITH THE NUMEROUS CONSTITUTIONAL, CITY, AND STATE LAWS VIOLATIONS IN THIS COMPLAINT IT IS HEREBY REQUESTED RESPECTFULLY VIA PLAINTIFF DUSHAWN KING, PRO SE THAT THE CHIEF JUSTICE OF THIS COURT TAKE CARE CAUTION AND CONSIDERATION IN ALLOWING THE RELIEF SOUGHT BY PLAINTIFF WHO IS PRO SE, AND IN THE FIGHT OF HIS LIFE AND DESPERATELY SEEK IMMEDIATE INTERVENTION BY THIS HIGHER COURT AND JUSTICES.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

PLAINTIFF HAS SUFFERED AN ENORMOUS AMOUNT OF EWMOTIONAL STRESS AND MENTAL ANGUISH, THAT HAS CAUSED INSOMNIA, PARANOIA, NIGHTMARES EPISODES OF GREAT ANXIETY, AND MIGRAINE HEADACHES, PLAINTIFF HAS LOST HIS FAITH IN THE JUSTICE SYSTEM, PLAINTIFF IS STOMPED FROM STRENGTHENING HIS FAMILY TIES THROGH INCARCERATION THAT AT TIMES THROUGH WEARINESS LEAD TO VISUAL AND AUDITORY HALLUCINATIONS

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

PLAINTIFF SEEKS PAIN AND SUFFERING DAMAGES FROM EACH DEFENADANT IN THEI INDIVIDUAL, AND OFFICIAL CAPACITY IN THE AMOUNT OF TWO(2) MILLION DOLLARS. PLAINTIFF ALSO SEEK EMOTIONAL STRESS AND MENTAL ANGUISH DAMAGES FROM EACH DEFENDANT IN THEIR INDIVIDUAL AND OFFICIAL CAPACITY IN THE AMOUNT OF TWO MILLION DOLLARS. FINALLY PLAINTIFF SEEKS PUNITIVE DAMAGES FROM EACH DEFENDANT IN THEIR INDIVIDUAL AND OFFICIAL CAPACITY IN THE AMOUNT OF THREE(3) MILLION DOLLARS FOR A SUBTOTAL OF TEN(10) MILLION DOLLARS.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS


By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

| | | |
|---------------------------------|----------------|--|
| MAY 21, 2016 | |  |
| Dated | | Plaintiff's Signature |
| DUSHAWN | | KING |
| First Name | Middle Initial | Last Name |
| 09-09 HAZEN ST, G.R.V.C. | | |
| Prison Address | | 11370 |
| EAST ELMHURST, N.Y. | | |
| County, City | State | Zip Code |

Date on which I am delivering this complaint to prison authorities for mailing: **MAY 21, 2016**

SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT
DEPARTMENTAL DISCIPLINARY COMMITTEE
61 BROADWAY, 2ND FLOOR
NEW YORK, NEW YORK 10006
(212) 401-0800

Jorge Dopico
Chief Counsel

DATE: _____

Complainant(s):

Mr. () Ms. () Mrs. () King Dushawn D.X.K.
Last First Initial
Address: 09-09 hazen Street Apt. No. N/A
East Elmhurst NY 11370
City State Zip Code
Telephone: Home: () N/A Business: () N/A

Attorney Complained of:

Mr. () Ms. () Mrs. () Wyatt Gibbons N
Last First Initial
Address: 125-10 Queens Boulevard Apt. No. Suite 302
Kew Gardens NY 11415
City State Zip Code
Telephone: Home: () Business: (718) 261-8200

Complaints to other agencies:

Have you filed a complaint concerning this matter with another Bar Association, District Attorney's Office or any other agency:

If so, name of agency: N/A

Action taken by agency: N/A

Court action against attorney complained of:

Have you brought a civil or criminal action against this attorney? N/A

If so, name of court: N/A Index No. N/A

1. Please send AN ORIGINAL AND ONE COPY of your complaint with enclosures. Please do not send original documents in your enclosures because we will not return them.
2. You may copy the enclosed form as many times as you wish, or you may find it online. Our website is: www.nycourts.gov. Go to the search bar and enter "disciplinary committee." Click on the link which says, "Departmental Disciplinary Committee."
3. You may also state your allegations in a letter. We request separate complaint forms/letters for each attorney in question.

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

GRIEVANCE COMMITTEE COMPLAINT FORM

Date: _____

COMPLAINANT INFORMATION

Your Name: (Mr.) (X) ()
(Ms.) () ()
King Dushawn D.X.K.
(Last) (First) (Initial)

Address: 0909 hazen street
(Street) (Apt. #)

East Elmhurst NY 11370
(City) (County) (State) (Zip Code)

Telephone: (Home) N/A (Office) N/A

ATTORNEY COMPLAINED OF:

Name: Wyatt N. Gibbons
(Last) (First) (Initial)

Office Address: 125-10 Queens Boulevard
(Street)

Kew Gardens NY 11415
(City) (County) (State) (Zip Code)

Telephone: 718-261-8200

CONTACT WITH OTHER AGENCIES

Have you contacted any other agency, such as a Bar Association or District Attorney's Office, concerning this matter? NO

If so, state the name of the agency: N/A

What action was taken by the agency? N/A

COURT ACTION TAKEN BY YOU AGAINST THE ATTORNEY

Have you taken any civil or criminal action against the attorney? NOT AT THIS TIME

If so, please name the court and provide the index number: N/A

What action was taken by the court? N/A

STATEMENT OF FACTS

THE DEFENDANT HAS A GAURANTEED SIXTH AMENDMENT RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL DURING ALL COURT APPEARANCES AND PROCEEDINGS, IN PRESENTING LEGAL SUFFICIENT ARGUMENTS VIA MOTION, AND/OR ORALLY. ON THE GROUND OF INEFFECTIVE ASSISTANCE OF COUNSEL MY LAWYER FAILED TO DO HIS JOB AS MY COUNSEL. HE DID NOT FULLY QUESTION THE DISTRICT ATTORNEY'S WITNESS OR INSTRUCTING HIM TO READ HIS FOOTNOTES, HE DID NOT ATTEMPT AT ANYTIME TO PUT A PRETRIAL PLAN TOGETHER, HE DID NOT ARGUE THE FACT THAT THE WEAPON WAS UNLOADED AND INOPERABLE OR CAPABALE OF FIRING A SHOT ON BEHALF OF THE DEFENADNT THAT COULD OF ESSENTIALLY CAUSED SERIOUS PHYSICAL INJURIES. HE DID NOT TAKE HIDS TIME TO DO AN APPRPRIATE INVESTIGATION BOTH FACTUALLY AND LEGALLY TO DETERMINE A DEFENSE. IT IS A RIGHT FOR A DEFENDANT UNDER THE SIXTH AMENDMENT TO EFFECTIVE ASSISTANCE OF COUNSEL INCLUDING THE RIGFHT TO REPRESENTATION BY CONFLICT-FREE COUNSEL. MY LAWYER DID NOT FOLLOW THE RULES OF BEING A COUNSEL ALSO I WAS NEVER NOTIFIED THAT BRIAN O'CONNOR (PREVIOUS LAWYER) EXCUSED HIMSELF FROM THE CASE AND HIREDV AND/OR APPOINTED MY PRESENT COUNSEL WHO HAS AT ALL TIMES BEEN INEFFECTIVE. (SEE ENCLOSED LETTER DATED JANUARY 8, 2016 ATTACHED HERETO AS EXGHIRIT 107).

LEGAL ARGUMENT

ASSIGNED DEFENSE COUNSEL FAILED TO INVESTIGATE, PREPARE, FOR TRIAL, AND TAKE PROMPT ACTION. GIVEN THE FACT THAT THE WEAPON IN QUESTION IS CRACKED, AND INOPERABLE, AND NEVER FOUND ON DEFENDANTS PERSON, THESE FACTS TOGETHER DEEM THE CHARGES CURRENTLY TO LESSER INCLUDED CHARGES SUCH AS ROBBERY IN THE THIRD, AND CRIMINAL POSSESSION OF WEAPON IN THE FOURTH DEGREE THAT IS ESSENTIALLY A MISDEMEANOR. clearly the DISTRICT ATTORNEY OVERCHARGED THE DEFENADNT WITH CRIMES THAT DO NOT MEET THE CRITERIA OF SAID CRIMES. TENDERINGG THE REPRESENTATION LESS THAN MEANINGFUL. COUNSEL HAS A DUTY TO CONDUCT AN INVESTIGATION. TO BE MEANINGFUL THE

THE RIGHT TO COUNSEL, "REQUIRES THE GUIDING HAND OF COUNSEL AT EVERY STEP IN THE PROCEEDINGS" THE COURTS HAVE RECOGNIZED THE 6TH AMENDMENT, RIGHT TO COUNSEL DOES EXIST AND IS NEEDED IN ORDER TO PROTECT THE FUNDAMENTAL RIGHT TO A FAIR TRIAL AND THAT A PERSON WHO HAPPENS TO BE A LAWYER IS PRESENT AT TRIAL ALONGSIDE THE DEFENDANT, HOWEVER, IS NOT ENOUGH TO SATISFY THE CONSTITUTIONAL REQUIREMENT. COUNSEL MUST CONFER WITH DEFENDANT WITHOUT UNDUE DELAY AND AS OFTEN AS NECESSARY TO ADVISE DEFENDANT OF HIS/HER rights and TO ELICIT MATTERS OF DEFENSE OR TO DETERMINE POTENTIAL AND UNAVAILABLE DEFENSES. COUNSEL MUST CONDUCT APPROPRIATE INVESTIGATION; BOTH FACTUAL AND LEGAL TO DETERMINE DEFENSE STRATEGY AND TO ALLOW COUNSEL ENOUGH TIME FOR REFLECTION AND PREPARATION FOR TRIAL.

COUNSEL HAS FAILED TO PROVIDE ONE OR MORE OF THE FOLLOWING:

- A) VISIT ME AT MY PLACE OF CONFINEMENT
- B) PROVIDE ME WITH IN-COURT CONFERENCE;
- C) LISTEN TO MY VERSION OF EVENTS;
- D) KEEP ME INFORMED OF PROSECUTION MOTION STATUS;
- E) KEEP ME INFORMED OF PROSECUTION MOTION STATUS
- F) PROVIDE ME WITH COPIES OF ALL MY LEGAL DOCUMENT STATUS
- G) DISCUSS WITH ME POSSIBLE DEFENSE STRATEGIES;
- H) RESPOND TO MY CORRESPONDENCE;
- I) INVESTIGATE MY WITNESSES;
- J) SUBMIT ADDITIONAL MOTIONS ON MY BEHALF

DEFENSE COUNSEL IS CLEARLY PROVIDING INEFFECTIVE ASSISTANCE TO DEFENDANT FOR THE ADEQUATE PREPARATION OF DEFENDANT'S DEFENSE. COUNSEL'S LEGAL ASSISTANCE RENDERED THUS FAR DOES NOT MEET THE "MEANINGFUL REPRESENTATION" STANDARD ESTABLISHED IN NEW YORK STATE.

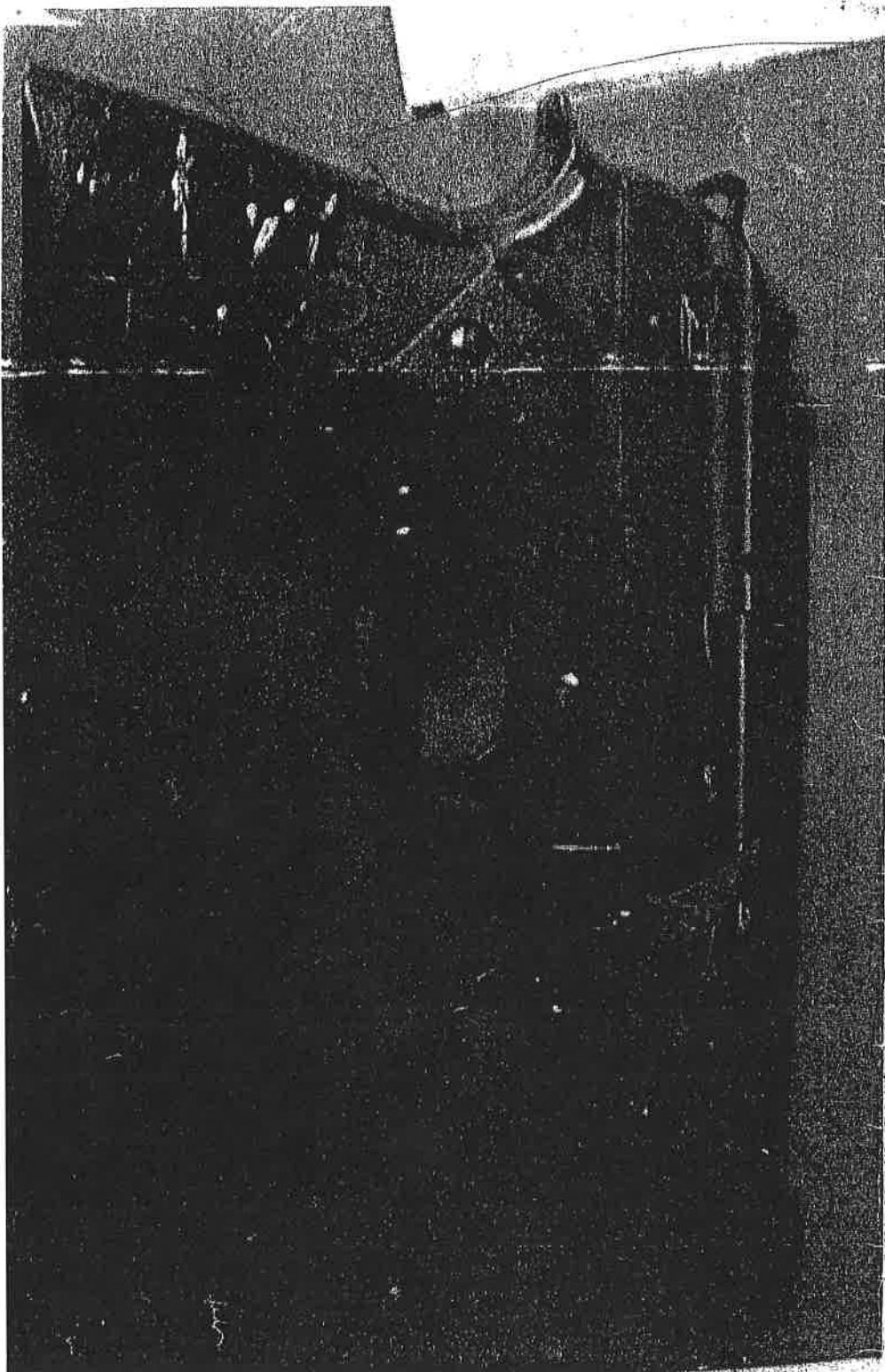
A DEFENDANT'S SIXTH AMENDMENT RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL INCLUDES THE RIGHT TO REPRESENTATION BY CONFLICT-FREE COUNSEL,⁷⁵³ as NOTED ABOVE, IN THE ABSENCE OF A CONFLICT OF INTEREST, A DEFENDANT CLAIMING INEFFECTIVE ASSISTANCE OF COUNSEL MUST DEMONSTRATE THAT THE LAWYER'S REPRESENTATION "FELL BELOW AN OBJECTIVE STANDARD OF REASONABLENESS", AND THAT COUNSEL'S DEFICIENCY WAS "PREJUDICIAL" TO THE DEFENSE ⁷⁵⁴ WHERE A CONFLICT OF INTEREST IS ADEQUATELY DEMONSTRATED, HOWEVER, PREJUDICE WILL BE presumed, ⁷⁵⁵ the new york court of appeals, for its part has declined on several occasions TO APPLY A PER SE RULE TO CONFLICT SITUATIONS. ⁷⁵⁸ THUS, THE DEFENDANT MUST SHOW IN ALMOST ALL INSTANCES THAT NOT ONLY THE EXISTENCE OF SOME POTENTIAL CONFLICT BUT ALSO THAT THE ALLEGED CONFLICT "OPERATED ON" OR BOR(E) a substantial RELATIONSHIP TO" THE DEFENSE. ⁷⁵⁹.

defendant challenged his conviction by supreme COURT QUEENS FOR 2 COUNTS OF ROBBERY IN THE FIRST DEGREE AND CRIMINAL POSSESSION OF A WEAPON IN THE SECOND. THE DEFENDANT 1ST DEGREE ROBBERY AND CRIMINAL POSSESSION OF A WEAPON IN THE 2ND WAS IMPROPER BECAUSE WHERE THERE WAS NO PROOF OR EVIDENCE THAT A DEADLY WEAPON WAS DISPLAYED DURING THE COURSE OF THE ROBBERY 9deadly weapon0 MEANING: A LOADED WEAPON FROM WHICH A SHOT CAN BE READILY CAPABLE OF PRODUCING DEATH OR SERIOUS PHYSICAL INJURY, MEANING DISCHARGED, SWITCH BLADE, GRAVITY KNIFE, PLUM BALLISTIC, Metal knuckle knife, dagger, BILLY, BLACK JACK, PLASTIC KNUCKLE OR METAL KNIFE.

robbery in the first degree consist of when a person forcibly STEALS PROPERTY AND WHEN IN THE COURSE OF THE COMMISSION OF THE CRIME IMMEDIATE FLIGHT HE OR ANOTHER PARTICIPANT IN THE CRIME CAUSE SERIOUS PHYSICAL INJURY TO ANOTHER WHO IS NOT A PARTICIPANT IN THE CRIME OR WHO IS ARMED WITH A DEADLY WEAPON USE OF THE MATTER OF THE IMMEDIATE USE OF A DANGEROUS INSTRUMENT (SEE PEOPLE V. FERGUSON 688 N.Y.S.2d154, 1988

OUTCOME: THE COURT MODIFIED

OUTCOME: THE COURT MODIFIED THE LOWER COURT'S JUDGMENT BY REVERSING DEFENDANT'S CONVICTION FOR SECOND DEGREE CRIMINAL POSSESSION OF A WEAPON, AND BY REDUCING DEFENDANT'S CONVICTION FOR FIRST DEGREE TO THIRD DEGREE ROBBERY. DEFENDANT'S CONVICTION WAS OTHERWISE AFFIRMED. THE MATTER WAS REMANDED FOR RESSENTENCING. IN THE FACT OF ROBBERY IN THE SECOND DEGREE WHEN A PERSON IS GUILTY OF SECOND DEGREE ROBBERY WHEN HE FORCIBLY STEALS PROPERTY AND WHEN HE IS AIDED BY ANOTHER PERSON ACTUALLY PRESENT OR IN THE COURSE OF COMMITTING THE CRIME OR OF IMMEDIATE FLIGHT THEREFROM/HE OR ANOTHER PARTICIPANT IN THE CRIME CAUSES PHYSICAL INJURIES TO ANOTHER PARTICIPANT WHO IS NOT A PARTICIPANT IN THE CRIME OR DISPLAYS WHAT APPEARS TO BE A PISTOL A RIFLE, A REVOLVER, SHOTGUN, OR MACHINE GUN OR OTHER, IN PEOPLE V. ORESTE AMATO, N.Y.S.2d 441; 1984: THE DEFENDANT APPEALED A JUDGMENT OF SUPREME COURT QUEENS COUNTY NEW YORK CONVICTING HIM OF ROBBERY IN THE FIRST DEGREE IN POSSESSION OF A WEAPON WHERE PROSECUTION PRESENTED "NO EVIDENCE" THAT A FIREARM USED BY THE DEFENDANT DURING A ROBBERY WAS LOADED AND OPERABLE. THE COURT MODIFIED HIS CONVICTION FROM ROBBERY IN THE FIRST TO ROBBERY IN THE THIRD I.E. the DEFENDANT FORCIBLY STOLE PROPERTY. OVERVIEW THE COURT'S MODIFIED THE JUDGMENT HOLDING THE FIRST DEGREE CONVICTION CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE AND CRIMINAL USE OF A FIREARM IN THE FIRST DEGREE HAD TO BE REVERSED AND DISMISSED BECAUSE THERE WAS NO PROOF AT TRIAL THAT A LOADED WEAPON WAS OPERABLE DURING THE COMMISSION OF THE CRIME. THE CHARGE OF ROBBERY IN THE FIRST DEGREE HAD TO BE REDUCED TO ROBBERY IN THE THIRD DEGREE I.E. the defendant FORCIBLY STOLE PROPERTY, WHEREFORE NO CHARGES OF ANY KIND INCLUDING, AND ESPECIALLY AND SPECIFICALLY ROBBERY IN THE FIRST DEGREE CANNOT EXIST WITHOUT THE AFOREMENTIONED TOOLS.



This
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the

This IS A Inoperable Air Pistol
This was not found on me

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A

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Broken

The Law Offices of Wyatt N. Gibbons, P.C.

125-10 Queens Boulevard Suite 302
Kew Gardens, NY 11415
718.261.8200/718.263.1705 (fax)

January 8, 2016


Dushawn King - Inmate
B & C #: 4411500009
George R. Vierno Center
09-09 Hazen Street
East Elmhurst, NY 11370

RE: PSNY v. King Ind't #: 1249/15

Dear Mr. King:

I'm sorry I have not been able to meet with you. I am enclosing a complete copy of your file. I just received the bulk of it from the ADA today. Please review it and I will set up a video conference with you sometime the week of January 18th. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Wyatt N. Gibbons

ATTACHMENT

I DEFENDANT DUSHAWN KING IS WELL AWARE OF THE ASSIGNED COUNSEL COMPENSATION FOR THE JUSTICE CRIMINAL COURT SYSTEM AND I AM WELL AWARE THAT THEY GET PAID \$40.00 PER HOUR FOR WORK PERFORMED IN COURT AND \$25.00 PER HOUR FOR WORK OUT OF COURT: MEANING THAT THE FEE PAID TO A LAWYER NOW AT A LOWER LEVEL THEREFORE THE STATE COURT CANNOT REALLY PROVIDE A REAL EQUAL ACCESS TO JUSTICE. FOLLOWING THE HISTORICAL ROLE OF ASSIGNED COUNSELING IN NEW YORK CITY THAT PEOPLE WHO ARE UNABLE TO AFFORD AN ATTORNEY (PRIVATE) ARE ENTITLED TO AN ASSIGNED COUNSEL COURT PROCEEDING. A ARTICLE "18B" IS IT'S REQUIREMENT THAT ASSIGNED COUNSEL BE COMPENSATED AND REIMBURSED FOR THEIR SERVICES OF THE STATUTE, THE COSTS OF REPRESENTATION IN GIDEON V. WAINWRIGHT. IN GIDEON THE COURT HELD THE SIXTH AMENDMENT'S GUARANTEE RIGHT OF ASSISTANCE OF COUNSEL TO THE ACCUSED OF A CRIME REQUIRES THAT THE STATE'S TO PROVIDE COUNSEL TO CRIMINAL DEFENDANT'S CHARGED WITH A FELONY OFFENSE WHO CANNOT AFFORD TO HIRE A COURT STATED (R)EASON AND REFLECTION REQUIRE US TO RECOGNIZE THAT IN OUR ADVERSARY SYSTEM OF CRIMINAL JUSTICE A PERSON THAT IS HELD INTO COURT WHO IS TOO POOR TO HIRE AN LAWYER CANNOT BE ASSURED A FAIR TRIAL UNLESS, COUNSEL IS PROVIDED TO THEM. IN MY CASE THE APPOINTED LAWYER THAT QUEENS SUPREME COURT ASSIGNED TO ME ARE GETTING PAID FOR DOING ABSOLUTELY NOTHING!!! THEY BOTH WERE NOT DOING ANY FUNDAMENTAL REPRESENTATION FOR ME AT ALL. THEY ARE FOLLOWING THE BAR ASSOCIATION'S BASIC RULES IN REPRESENTING CLIENTS WHO CANNOT AFFORD PRIVATE COUNSEL. KNOWING THAT THE DEFENDANT'S LIFE IS ON THE LINE EVERY SINGLE TIME HE STEPS FOOT INTO A COURTROOM. BRIAN O'CONNER AND WYATT GIBBONS BOTH NOT ONLY DID ANY SIGNIFICANT RESEARCH ON MY CASE, AND ALSO DID NOT CONDUCT AND/OR PUT TOGETHER A PLAN. I SPEAK FOR ALL PEOPLE WHEN I SAY "THAT I AM BEING RAILROADED. BY MY LAWYER WHEN HE PAINSTAKINGLY KNOWS THAT THE CHARGES AGAINST ME HAVE NO MERIT IN A COURT OF LAW. HIS ACTIONS ONLY LEAVE ME PUZZLED AND TO BELIEVE THAT HIS TWENTY-EIGHT (28) YEARS EXPERIENCE MEANS NOTHING IF HE IS NOT GOING TO GIVE HIS ALL IN REPRESENTING ME IN OPEN COURT. AND THAT THE NEW YORK LEGAL COMMUNITY IS NOT HERE TO MAKE SURE

THAT I HAVE A FAIR TRIAL. MY LAWYER TOLD ME THAT I WAS BEING IN BLIND FOLD THAT I KNOW THAT TRIAL IS A FOR SERIOUS CASES INVOLVING CHARGES SUCH AS RAPE, MURDER AND ROBBERY, REPEATEDLY DELAYED BECAUSE OVERLOADED ASSIGNED COUNSEL ARE OFTEN ON TRIAL ON OTHER CASES ON VIRTUALLY A CONTINUAL BASIS AND I KNOW THAT IT IS A LEGAL MANDATE THAT AN ARRAIGNMENT BE PROVIDED WITHIN TWENTY-F (24) HOURS OF MY ARREST, MY LAWYER IS IN THE WRONG FOR PROFESSIONAL MISCONDUCT, DELAY AND NEGLECT. SOMEONE WHO HAS CLAIMED TO ATTEND ST. JOHN'S UNIVERSITY AND HAS BEEN LICENSED FOR TWENTY-EIGHT (28) YEARS HAS MORE THAN ONE PRACTICE AREA SHOULD KNOW THAT THE CHARGES AGAINST ME DOES NOT MEET THE CRITERIA'S AND FOR HIM TO MAKE ME TAKE A PLEA IS OUT OF LINE!!! BECAUSE OF THE GREATLY INCREASED VOLUME OF CASES THAT INDIVIDUAL ASSIGNED COUNSEL HAVE TO HANDLE, THEY ARE INCREASINGLY ABSENT LATE, AND/OR UNPREPARED FOR ROUTINE COURT APPEARANCES AND HEARINGS. MY LAWYER SET UP A HEARING THAT WAS NOT EVEN PREPARED TO QUESTION ANYBODY. HE ASKED ME QUESTIONS THAT HE FIGURED THAT I WOULD KNOW THE ANSWERS TO. THERE ARE A LOT OF CASES SIMILAR TO MINE AND THERE HAS BEEN A LOT OF TURNS (REVERSALS), REGARDING THIS MATTER BECAUSE OF LACK OF PROOF AND EVIDENCE. MY LAWYER TOLD ME THAT MY LAST CASE I TOOK A VIOLENT PLEA WHEN I COPPED-OUT TO A 110-265.03 NONVIOLENT FELONY. I ASKED MY LAWYER TO SEND ME THE FOLLOWING ITEMS REQUESTED (SEE ATTACHMENT). RESPECTFULLY I HAVE NOT RECEIVED A RESPONSE FROM HIM SINCE I MADE THIS FREEDOM OF INFORMATION LAW (F.O.I.L.) REQUEST., AND MY LAWYER STARTED REPRESENTING ME BETWEEN ~~XXXXXX~~ 2015 JANUARY 8, 2016 TO PRESENT HE CALLED ME FOR A VIDEO CONFERENCE ON JANUARY 18, 2016, AND THEN CANCELLED IT BECAUSE I HAVE NO IDEA WHY ON FEBRUARY 23, 2016, WHEN I WENT TO COURT ON FEBRUARY 23, 2016, THAT WAS THE VERY FIRST TIME I MET HIM, AND THEN ON MARCH 1, 2016 MY LAWYER SUGGESTED THAT I COP OUT TO SEVEN (7) YEARS PRIOR TO TAKING IT TO THE HEARING BECAUSE I WAS GOING TO BLOW AT TRIAL. AND THE DISTRICT ATTORNEY IS NOT ATTEMPTING TO TAKE THE TEN (10) YEARS OFF THE TABLE. IN MARCH 10, 2016, WE CONDUCTED A HEARING THAT DID NOT PROCEED NOWHERE I DID

proceed where I did not even get enough time, and should and explain myself on behalf of said hearing, and my lawyer could not have possibly been ready, if a video conference is only fifteen (15) minutes tops!!! (emphasis added). How can he possibly be ready to conduct said hearing in the legal format. You cannot conduct a hearing without proper legal research to be prepared to professionally conduct said hearing in reaching a decision (legal) most favorable to your client, and in the pursuit of swift justice it is pointless, needless to say that that my first lawyer Brian O'Conner (never seen) inside a courtroom, when he is always informing me that the district attorney wants me to take five (5) years. And then only to return to inform me that not to take it without informing me in terms of the law of why I should not take that plea. On my 180 day the day before my court appearance he informs me that the district attorney wants me to take the time I will be comfortable receiving. I honestly feel as though I am being bedazzled and bamboozled, and I cannot continue to deal with a justice system that really does not operate according to the law. I did not have a good lawyer on my side. My lawyer Mr. O'Conner waived my grand jury appearing rights without my consent and for the signing of said waiver thereof in open court, nor did he object, and preserve the issue for me to seek relief through the appellate division, which essentially shows legal neglect, ineffective assistance of counsel where there leaves him no space to conceal his ineffectiveness behind the eleventh amendment of the constitution seeking absolute immunity from liability via a 1983 civil rights complaint. Furthermore, the indictment is not a true bill where it does not bear the court seal, and the original signature of the foreman of said grand jury indictment. I also believe that the indictment is not a true bill, because I have the grand jury minutes, and I do not have all my grand jury minutes and it does not appear that any witnesses testified before said grand jury. I do not have all my grand jury minutes that I requested months ago in a motion 240.20 that I s

Case 1:16-cv-03117-MKB-LB Document 2 Filed 06/08/16 Page 19 of 25 Pages 19
SPECIFICALLY SENT THE COURT CLERK'S OFFICE ON JULY 16, 2015, AND HAVE
YET TO RECEIVE SAID MINUTES OF THE GRAND JURY PROCEEDING THAT I DID NOT
SIGN A WAIVER NOT TO APPEAR. THE REQUEST WAS SENT TO THE CLERK, JUDGE,
MY LAWYER, AND THE DISTRICT ATTORNEY'S OFFICE. IF THE PEOPLE STATE ON
RECORD THAT THEY ARE IN FACT, READY, I HAVE A GUARANTEED RIGHT VIA 14TH
DUE PROCESS AMENDMENT TO PREPARE FOR SAID TRIAL, AND HOW CAN I POSSIBLY
ACCOMPLISH THAT MISSION WITHOUT ALL THE BRADY MATERIAL INCLUDING, BUT
NOT LIMITED TO MY GRAND JURY MINUTES. THE ARRESTING OFFICERS FROM THE 75TH
PRECINCT. I DO NOT KNOW WHY THE OFFICER FROM THE 103RD PRECINCT WAS ON THE
STAND AND THE OFFICERS FROM THE 103RD PRECINCT THAT WAS ON THE STAND
CLEARLY LYING AND COMMITTING PERJURY DURING THE ENTIRE QUESTIONING AT
THE GRAND JURY.

THAT WAS ON THE STAND WERE CLEARLY LYING AND HE NEVER ANSWERED THE QUESTIONS MY LAWYER PROPOSED TO HIM. AS HE QUOTES" I DO NOT RECALL AND/or REMBER, WHICH IS NOT A SUFFICIENT AND/or credible answer. BEING THAT THE NEW YORK CITY POLICE DEPARTMENT IS A PART OF THE JUSTICE SYSTEM, I AM WELL AWARE THAT THE JUDGE WOULD PRESIDE ON THE OFFICER'S SIDE, AND I ASKED MY LAWYER TO RECEIVE THE VIDEO THAT THE OFFICERS WORE (BODY CAM), AND WHEN MY LAWYER QUESTIONED THE OFFICER ABOUT IT, HE PERJURED HIMSELF BY SAYING" I DO NOT KNOW ANYTHING ABOUT IT. I RESPECTFULLY ASK THAT YOU TAKE THIS INTO SERIOUS CONSIDERATION, AND REQUEST FOR MORE TIME AND A NEW LAWYER TO PREPARE FOR TRIAL, AND WHATEVER FURTHER RELIEF THIS COURT DEEMS JUST AND PROPER.

IN LIGHT OF THE FOLLOWING AND IN THE INTEREST OF JUSTICE MY REQUEST SHOULD BE GRANTED IN ITS ENTIRETY, IN PURSUIT OF JUSTICE TO AVOID A MISCARRIAGE OF JUSTICE.


DATED: MAY 17, 2016

RESPECTFULLY SUBMITTED,


DUSHAWN KING DEFENDANT

SWORN TO BEFORE ME ON THE
17TH DAY OF MAY 2016


NOTARY PUBLIC

RUTH MARCANO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01MA5088836
Qualified In Nassau County
My Commission Expires December 01, 2017 


DUSHAWN KING

MR. DUSHAUN KING #
09-09 HAZEN ST, G.R.V.C.
EST ELMHURT, N.Y. 11370

THE LAW OFFICES OF WYATT N. GIBBON'S P.C.
125-10 QUEENS BLVD, SUITE 302
KEW GARDENS, N.Y. 11415

APRIL 19, 2016

RE: EFFECTIVE ASSISTANCE OF COUNSEL/REQUEST FOR LEGAL
DOCUMENTS

DEAR MR. GIBBONS:

IN REFERENCE TO THE ABOVE ENTITLED MATTER, I AM THE
DEFENDANT, SUPPOSEDLY YOUR CLIENT AND RESPECTFULLY REQUEST THE
FOLLOWING PAPERS/DOCUMENTS IN YOUR POSSESSION FOR MY DEFENSE:

1. MY BANK STATEMENT FROM MY CARDS.
2. ALL THE TRANSCRIPTS FROM MY HEARING.
3. ALL THE DISTRICT ATTORNEYS WITNESSES NAMES CALLED DURING SAID HEARING.
4. MY RAPSHEET AND DISPOSITION AND/OR COPY OF MY LAST CASE I WAS ARRESTED
FOR C.P.L. 110.265.1 CPW.

I AM IN DIRE NEED OF THIS PAPERWORK, AND ASK THAT YOU
CONSIDER THIS REQUEST AS A FREEDOM OF LAW INFORMATION LAW (F.O.I.L.)
AND LOOK FORWARD TO RECEIVING A RESPONSE THERETO IN SEVEN(7) BUSINESS
DAYS TO DETERMINE IF YOUR BEST INTEREST IN DEFENDING ME IN COURT WAS
WITHIN THE GUIDELINES OF THE CODES AND ETHICS OF A LAWYER WHO PASSED THE
BAR EXAM IS OBLIGATED TO DEFEND HIS CLIENT EFFECTIVELY, AND IN THE
BEST INTEREST OF JUSTICE IN SEEKING SAID JUSTICE FOR THAT CLIENT.

5. FINALLY, I REQUEST MY CRIMINAL BACKGROUND AND HISTORY.

THESE DOCUMENTS AND REQUESTS WOULD BE NEEDED PREFERRABLY
PRIOR TO MY NEXT COURT DATE.(MAY 26, 2016) PROMPTLY TO AVOID FUTURE
COMPLAINTS TO THE BAR ASSOCIATION AND/OR DISCIPLINARY COMMITTEE FOR
YOUR LACK OF DEFENSE AND SUPPORT THEREOF. I THANK YOU IN ADVANCE FOR YOUR
TIME AND CONSIDERATION IN THESE MATTERS, I LOOK FORWARD TO YOUR PROMPT
REPLY.

RESPECTFULLY YOURS,

DUSHAUN KING, DEFENDANT

CC: FILE.

PAGE (8) FREEDOM OF INFORMATION LAW(F.O.I.L.)
REQUEST

6. IN ADDITION, MR. DUSHAWN KING THE CLIENT IN THIS CRIMINAL MATTER WOULD ALSO LIKE TO RESPECTFULLY REQUEST A COPY OF THE "TRUE BILL" INDICTMENT PURSUANT TO THE FREEDOM OF INFORMATION LAW (F.O.I.L.) WITH THE COURT SEAL AND THE ORIGINAL SIGNATURE OF THE FOREMAN OF SAID GRAND JURY THAT ALLEGEDLY INDICTED THE Defendant Mr. dushawn king.

RESPECTFULLY SUBMITTED,

DUSHAWN KING

Sworn to before me

This 14 day of April, 2016.

RUTH MARCANO

NOTARY PUBLIC-STATE OF NEW YORK

No. 01MA5088836

Qualified in Nassau County

My Commission Expires December 01, 2017

DUSHAWN KING

Departmental Disciplinary Committee
Supreme Court Appellate Division
First Judicial Department
61 Broadway
New York, New York 100



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HB

DOCKET NO 2016.0903

Dushawn King
#4411500008, GRVC
09-09 Hazen Street
East Elmhurst, NY 11370



Dear Complainant:

This acknowledges receipt by the Departmental Disciplinary Committee of a complaint that you have made about an attorney.

Due to the large volume of complaints filed in this office, it may take some time for our office to forward further information to you about the status of your complaint.

Thank you for your patience.

Very truly yours,

Office of the Chief Counsel

MR. DUSHAWN KING #4411500009
09-09 hazen st, g.r.v.c.
EAST ELMHURST, N.Y. 11370



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